

Linda Lingle
GOVERNOR



KAREN SEDDON
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO

Statement of
Karen Seddon
Hawaii Housing Finance and Development Corporation
Before the

HOUSE COMMITTEE ON HOUSING

March 17, 2010 9:00 a.m.
Room 325, State Capitol

In consideration of

H.C.R. 12 REQUESTING GOVERNMENT-FUNDED HOUSING AGENCIES TO AFFORD ELDERLY TENANTS IN PUBLIC AND SENIOR HOUSING WHO HAVE UNEXPECTEDLY BECOME THE PRIMARY CAREGIVERS OF THEIR GRANDCHILDREN-IN-CRISIS A REASONABLE TIME TO FIND APPROPRIATE HOUSING BEFORE THEY MAY BE EVICTED.

The HHFDC opposes H.C.R. 12. Unfortunately, federal law gives senior housing operators little leeway to accommodate seniors who become primary caregivers for their grandchildren and keep their designation as senior housing. Under the Federal Housing for Older Persons Act, senior housing projects are exempt from familial status discrimination claims under the Fair Housing Act if, and only if, they meet one of three different occupancy categories:

1. The U.S. Department of Housing and Urban Development (HUD) has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
2. It is occupied solely by persons who are 62 or older or
3. It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

Senior housing projects that have opted for the 62-or-older-only occupancy category cannot allow any person under the age of 62 to reside in their units, even on a short-term basis, or else they will lose their status as a senior housing project. Furthermore, even those projects who have adopted the 55-or-older in at least 80 percent of occupied units policy are entitled to refuse occupancy to anyone under the age of 55 if it would jeopardize their compliance with these safe harbors. Therefore, senior housing operators are not able to comply with this Concurrent Resolution.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 10:10 AM
To: HSGtestimony
Cc: erinann815@aol.com
Subject: Testimony for HCR261 on 3/17/2010 9:05:00 AM

Testimony for HSG 3/17/2010 9:05:00 AM HCR261

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: erin rutherford
Organization: Individual
Address:
Phone:
E-mail: erinann815@aol.com
Submitted on: 3/15/2010

Comments: